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MICHAEL F. HERTZ
Acting Assistant Attorney General
DOUGLAS N. LETTER
Terrorism Litigation Counsel
JOSEPH H. HUNT
Director, Federal Programs Branch
ANTHONY J. COPPOLINO
Special Litigation Counsel
ALEXANDER K. HAAS
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW, Rm. 6102
Washington, D.C. 20001
Phone: (202) 514-4782—Fax: (202) 616-8460

Attorneys for the Government Defendants

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION This Document Solely Relates To: *Al-Haramain Islamic Foundation et al. v. Obama, et al.* (07-CV-109-VRW)	)	No. M:06-CV-01791-VRW **PROPOSED ORDERS RE: GOVERNMENT DEFENDANTS' MOTION TO STAY PROCEEDINGS PENDING APPEAL AND FOR CERTIFICATION OF INTERLOCUTORY APPEAL UNDER 28 U.S.C. § 1292(b)** Date: April 9, 2009 Time: 2:30 pm Courtroom: 6, 17th Floor Honorable Vaughn R. Walker

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION This Document Solely Relates To: *Al-Haramain Islamic Foundation et al. v. Obama*, *et* *al*. (07-CV-109-VRW)	No. M:06-CV-01791-VRW **[PROPOSED] ORDER GRANTING CERTIFICATION OF INTERLOCUTORY APPEAL** Honorable Vaughn R. Walker

On January 16, 2009, the Government Defendants filed a Notice of Appeal of the Court's Order of January 5, 2009. Dkt. 59. On January 19, 2009, the Government filed a motion for stay of further proceedings in this action pending resolution of its appeal, and also requested that the Court certify its January 5 Order for interlocutory review, pursuant to 28 U.S.C. § 1292(b). *See* Dkt. 60. Upon consideration of the Government's motion that the Court certify its Order of January 5, 2009 for interlocutory appeal, plaintiffs' response thereto, the record of this case, and good cause appearing, the Government's motion for certification shall be and hereby is GRANTED and the Court's January 5, 2009 Order shall be and hereby is certified for interlocutory appeal pursuant to 28 U.S.C. § 1292(b).

DATE: _________________ ___________________________________

Chief Judge Vaughn R. Walker

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION This Document Solely Relates To: *Al-Haramain Islamic Foundation et al. v. Obama, et al.* (07-CV-109-VRW)	No. M:06-CV-01791-VRW **[PROPOSED] ORDER GRANTING STAY PENDING APPEAL.** Honorable Vaughn R. Walker

On January 16, 2009, the Government Defendants filed a Notice of Appeal of the Court's Order of January 5, 2009. Dkt. 59. On January 19, 2009, the Government filed a motion for stay of further proceedings in this action pending resolution of its appeal. *See* Dkt. 60. Upon consideration of the Government's motion that the Court stay further proceedings in this action pending disposition of the Government's appeal of the Court's Order of January 5, 2009, plaintiffs' response thereto, the record of this case, and good cause appearing, the Government's motion for a stay pending appeal shall be and hereby is GRANTED and further proceedings in this case shall be and hereby are STAYED pending final disposition of appellate proceedings in this case.

DATE: ________________ ________________________________
Chief Judge Vaughn R. Walker

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION This Document Solely Relates To: *Al-Haramain Islamic Foundation et al. v. Obama, et al.* (07-CV-109-VRW)	)))))))))))))	No. M:06-CV-01791-VRW **[PROPOSED] ORDER GRANTING INTERIM STAY** Honorable Vaughn R. Walker

On January 16, 2009, the Government Defendants filed a Notice of Appeal of the Court's Order of January 5, 2009. Dkt. 59. On January 19, 2009, the Government filed a motion for stay of further proceedings in this action pending resolution of its appeal, and also requested that the Court certify its January 5 Order for interlocutory review, pursuant to 28 U.S.C. § 1292(b). The parties have briefed that motion and it is now under consideration by the Court. Until the Court rules on the pending motion for a stay pending appeal or for certification of an interlocutory appeal under Section 1292(b), further proceedings contemplated by the Court's January 5 Order in this action (Dkt. 57) shall be and hereby are STAYED pending further order of the Court. If the Court determines, upon consideration of the Government's motion, that it will not enter a stay pending appeal, further proceedings in this case shall continue to be stayed on an interim basis for 30 days to permit the Government to seek a stay from the Court of Appeals pursuant to Rule 8 of the Federal Rules of Appellate Procedure and until disposition of that motion by the Court of Appeals.

DATE: _________________

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Chief Judge Vaughn R. Walker

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION This Document Solely Relates To: *Al-Haramain Islamic Foundation et al. v. Obama, et al.* (07-CV-109-VRW)	)))))))))))))	No. M:06-CV-01791-VRW **[PROPOSED] ORDER GRANTING INTERIM STAY TO PERMIT THE GOVERNMENT TO SEEK A STAY IN THE COURT OF APPEALS.** Honorable Vaughn R. Walker

On January 16, 2009, the Government Defendants filed a Notice of Appeal of the Court's Order of January 5, 2009. Dkt. 59. On January 19, 2009, the Government filed a motion for stay of further proceedings in this action pending resolution of its appeal, and also requested that the Court certify its January 5 Order for interlocutory review, pursuant to 28 U.S.C. § 1292(b). The Government's motion for a stay pending disposition of the Government's appeal of the January 5, 2009 Order shall be and hereby is DENIED, except that the Government's motion that further proceedings in this case be stayed shall be and hereby is GRANTED solely on an interim basis for 30 days to permit the Government to seek a stay from the Court of Appeals pursuant to Rule 8 of the Federal Rules of Appellate Procedure and until disposition of any such motion by the Court of Appeals.

DATE: __________________

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Chief Judge Vaughn R. Walker